



4-25-05

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/626,094

Filing Date

07/24/2003

First Named Inventor

Curbelo

Art Unit

2881

Examiner Name

Zia R. Hashmi

Attorney Docket Number

12080009P009aUS

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):Statement of the Substance of the Interview
Comments of Statement of Reasons for
Allowance
Return Post Card
Authorization to Charge Deposit Account**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Sills Cummis Epstein & Gross, PC

Signature

Printed name

Phillip Braginsky

Date

April 22, 2005

Reg. No.

40,527

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Gayitri L. Chandiramani

Date

April 22, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: 12080009P009aUS


In re Application of: **Raul Curbelo**
Patent Application For: Infrared Source for Spectrometers
Application No.: 10/626,094
Filing Date: 07/24/2003

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF SERVICE BY US POSTAL SERVICE EXPRESS MAILING

I hereby certify that the listed patent application documents are being deposited with the United States Postal Service with sufficient postage as an Express Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 dated: April 22, 2005, bearing express mail number ED242969839US

1. Comments of Statement of Reason for Allowance
2. Statement of the Substance of the Interview
3. Transmittal Form
4. Certificate of Express Mailing
5. Return Postcard
6. Authorization to Charge Deposit Account



Gayatri Chandiramani

SILLS CUMMIS
EPSTEIN & GROSS P.C.
30 Rockefeller Plaza
New York, NY 10112
Tel: (212) 643-7000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 12080009P009aUS

In re Application of: **Raul Curbelo**

Filed: 07/24/2003

Group Art Unit: 2881

Application No: 10/626,094

Examiner: Zia R. Hashmi

For: INFRARED SOURCE FOR SPECTROMETERS


AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Box
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant believes that there is no fee associated with this type of filing, if the Applicant is incorrect the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 03-1250. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Philip Braginsky
Reg. No. 40,527

Date: April 22, 2005

SILLS CUMMIS EPSTEIN & GROSS P.C.
30 Rockefeller Plaza
New York, NY 10112
Tel: (12) 643-7000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO : 10/626,094 , CONFIRMATION NO: 8997
APPLICANT : RAUL CURBELO
FILED : 07/24/2003
TITLE OF INVENTION : INFRARED SOURCE FOR SPECTROMETERS
TC/AU : 2881
EXAMINER : ZIA R. HASHMI
DOCKET NO. : 12080009P009aUS (15684)
CUSTOMER No. : 43,309
DATE : APRIL 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

UNDER 37 CFR 1.2 & 1.333

Sir:

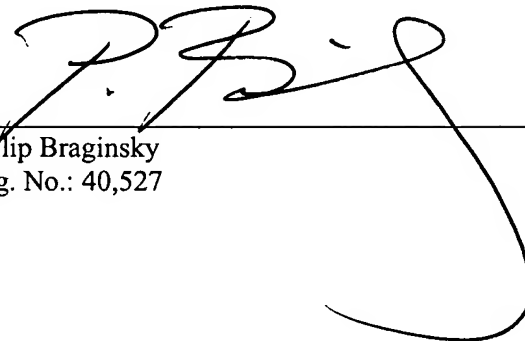
On February 28, 2005, the Examiner and myself conducted a telephonic interview on the pending claims in the above application. All independent claims were discussed. No prior art was referenced by the Examiner and no prior art was discussed during the interview. The Examiner expressed his opinion that the claims would read more clearly by bringing part

of the preamble into the claim elements by use of functional language. The Applicant's agreed to this suggestion since the functional language does not limit the claims in anyways.

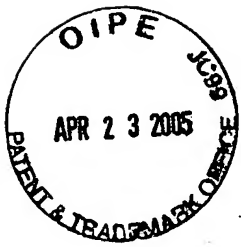
Respectfully submitted,

Date: _____

4/22/05


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COMMENTS OF STATEMENT OF REASONS FOR ALLOWANCE

Sir:

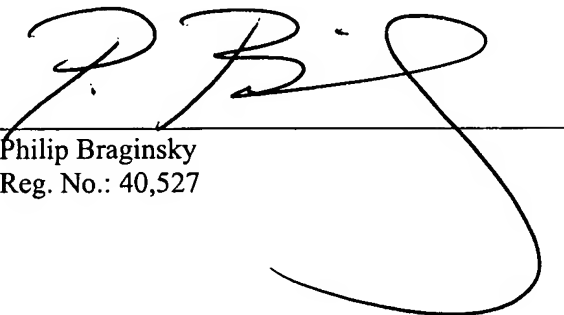
The Applicant respectfully submits that the amendments made on March 4, 2005, were made without reference to any cited prior art by the Examiner. The Examiner did not cite any prior art and the amendment was therefore not made to overcome any prior art. Thus no ground as to equivalents has been surrendered between the original claims and the

amended claims. These amendments merely moved functional language originally in the preamble of the claims to the claim elements in an effort to clarify the invention.

Respectfully submitted,

Date:

4/22/05



Philip Braginsky
Reg. No.: 40,527

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